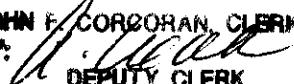


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

MAY 18 2006

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

PEGGY A. ADAMS,

)

Plaintiff,

) Case No. 2:05CV00024

v.

) OPINION

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL
SECURITY,

) By: James P. Jones
) Chief United States District Judge

Defendant.

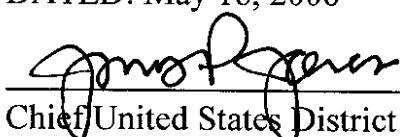
)

The defendant Commissioner of Social Security has filed a timely objection to the report and recommendation of the magistrate judge in this Social Security case. After a de novo review, and for the reasons stated by the magistrate judge, I find that substantial evidence does not support the administrative finding that Adams' hypertension did not constitute a severe impairment because the evidence relied upon by the administrative law judge was irrelevant to the period of disability claimed.

As the Commissioner points out, there is other evidence in the record concerning Adams' hypertension. However, the evaluation of that evidence is properly for the administrative agency in the first instance. Accordingly, a remand as recommended by the magistrate judge is appropriate in this case.

For these reasons, the magistrate judge's report and recommendation will be accepted. The case will be remanded to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration to determine the severity of the plaintiff's hypertension during the time period from November 17, 2000, through May 27, 2004. A separate judgment consistent with this opinion will be entered forthwith.

DATED: May 18, 2006



Chief United States District Judge